Remarks

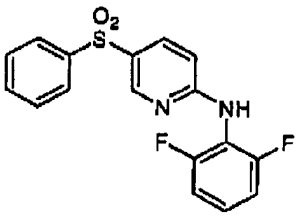
Status of the claims. Claims 1 and 4-12 are pending. Claims 2 and 3 were cancelled because of examiner's restriction requirement. Claim 13 has been withdrawn from consideration. Claims 1-12 were rejected under 35 USC 103(a).

Amendments. The definition of R^2 was amended to include allyloxy, benzyloxy, or (pyridinyl)methoxy where benzyloxy and (pyridinyl)methoxy are substituted with 0-2 substituents selected from the group consisting of halo and C_{1-6}alkoxy. Support for this amendment can be found in examples 59-65 (p. 78-81).

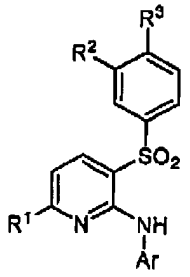
The definition of R^3 was amended to include allyloxy, (pyridinyl)methoxy, (3,5-dichloropyridinyl)methoxy, (2-methylthiazolyl)methoxy, phenyl, or 2-methoxyphenyl. Support for this amendment can be found in examples 11 (p. 51-52), 48-49 (p. 70-71), and 19-21(p. 55-56). The definition of R^3 was also amended to include benzyloxy substituted with 0-2 substituents selected from the group consisting of halo, C_{1-6}alkyl, C_{1-6}alkoxy, cyano, carbomethoxy, acetoxy, and nitro. Support for this amendment can be found in examples 1-8 (p. 40-47) and 22-36 (p. 57-64).

In addition to these amendments, other claims were amended to comply with the definitions the examiner set out in the office action.

Rejection under 35 USC 103(a). The examiner rejected claims 1-12 as obvious variations of Compound 502, disclosed in Green et al., US Patent Application 2003/0096817. The rejection was based on the assertion that positional isomers on the pyridine were per se obvious. The applicants believe this assertion is not supported in view of Green's teachings of all examples and respectfully traverse.



Green Compound 502



Claimed compounds

In order to establish a prima facie case of obviousness, the examiner must show some motivation or suggestion to make the claimed compounds and also show that the claimed compounds would have a reasonable expectation of success.

Green teaches 60 other examples of 2-aminopyridine compounds, in addition to Compound 502, all of which are purported to inhibit protein kinase p38. Although there are a wide variety of compounds, Green teaches that certain structural features never vary. In all 61 examples, the pyridine is substituted in the 5-position, that is, para to the 2-amino moiety. In all 61 examples, the 2-amino moiety is substituted with a 2,6-difluorophenyl moiety. In all 61 examples, the 6-position of the pyridine is unsubstituted. Taken as a whole, Green teaches or fairly suggests to one skilled in the art that the features which never vary are a structural requirement for this class of kinase inhibitors and gives no reasonable expectation for compounds without these features to inhibit kinase.

The claimed compounds do not have the 2,5-para regiochemistry nor the 2,6-difluorphenyl moiety on the one hand, and on the other do have substitution at the 6-position. Thus, when taken as a whole, Green teaches away from the claimed compounds rather than leading one skilled in the art to them.

The applicants do not believe that the examiner has established a prima facie case of obviousness and respectfully request that the rejection be withdrawn.

The applicants believe the application is now in allowable form and respectfully request favorable reconsideration. If any issues remain regarding the allowance of this application, the Examiner is respectfully invited to contact the applicants' agent, James Epperson, by phone (203-677-6974), fax (203-677-6900), or e-mail (james.epperson@bms.com).

Respectfully submitted,

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